

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|--|---|---|-----------------------|-------------------------------------|-----------|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| Applicant's or agent's file reference 2003P30302WO | | FOR FURTHER ACTION | See Form PCT/IPEA/416 | | | | | | | | | | | | | | | | | | | | | | | | |
| International application No. PCT/DE2004/000322 | International filing date (day/month/year) 20.02.2004 | Priority date (day/month/year) 04.06.2003 | | | | | | | | | | | | | | | | | | | | | | | | | |
| International Patent Classification (IPC) or national classification and IPC | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant GM GLOBAL TECHNOLOGY OPERATIONS, INC. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table> | | | | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date of submission of the demand | | Date of completion of this report | | | | | | | | | | | | | | | | | | | | | | | | | |
| Name and mailing address of the IPEA/EP | | Authorized officer | | | | | | | | | | | | | | | | | | | | | | | | | |
| Facsimile No. | | Telephone No. | | | | | | | | | | | | | | | | | | | | | | | | | |

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International application No.

PCT/DE2004/000322

| Box No. I | Basis of the report |
|-----------|--|
| 1. | <p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-19</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>2-11, 13-29</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19 <u>02.04.2005 with letter</u></p> <p>nos.* <u>1, 12</u> _____ received by this Authority on <u>of 31.03.2005</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/9-9/9</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> |

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | | YES |
| | Claims | 1-29 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-29 | NO |
| Industrial applicability (IA) | Claims | 1-29 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: IT-B-1 249 219

D2: DE-A-196 32 427

1. The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)). The reasons for this are as follows:

Document D1 discloses (see page 6, line 16 to page 8, line 15; page 9, line 23 to page 10, line 18; figures 9, 10 and 11) a hinge device with a lever (1) which has two heads (4, 5) pivotably connected about their respective axes to respective ends of the lever (1) to allow mounting of the lever, and provided with two elements (16, 20), each of which can turn about an axis of rotation with its movement coupled to the pivoting movement of the associated head (4, 5), and two tension members (15) which engage the two elements at engagement points on different sides of a plane in which both axes of rotation lie.

The subject matter of claim 1 is also known from document

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|
| | <p>D2 (see column 3, lines 8 to 38; column 9, lines 44 to 57, claims 1 and 11; figures 1, 19 and 20).</p> <p>2. The application also fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)). The hinge devices in documents D1 and D2 solve the same problem as the present invention (see D1, page 2, line 9 to page 3, line 20; and D2, column 1, lines 20 to 61).</p> <p>3. Dependent claims 2 to 29 do not contain any features that meet the PCT requirements in respect of novelty or inventive step when combined with the features of any of the back-referenced claims. The reasons for this are as follows:</p> <p>3.1 The subject matter of claims 2 to 8, 11 and 12 is known from D1 (page 9, line 23 to page 10, line 18, and figures 9, 10 and 11) and D2 (column 9, lines 44 to 57; claims 1 and 11; figures 1, 19 and 20). The subject matter of claims 2 to 8, 11 and 12 therefore lacks novelty (PCT Article 33(2)).</p> <p>3.2 The subject matter of claims 9 and 10 cannot be considered inventive (PCT Article 33(3)). Using a gear set or planetary gearing is just one of a number of obvious possibilities from which a person skilled in the art would choose according to the circumstances without making an inventive contribution in order to achieve different transmission ratios and thereby minimise the forces according to requirements.</p> <p>3.3 The subject matter of claims 13 to 17 is known from D1</p> |

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(page 4, line 13 to page 5, line 5, and figures 9, 10 and 11) and D2 (column 9, lines 44 to 57; claims 1 and 11; figures 1, 19 and 20). The subject matter of claims 13 to 17 therefore lacks novelty (PCT Article 33(2)).

3.4 The subject matter of claim 18 is known from D1 (page 4, lines 8 to 9, and claim 2). The subject matter of claim 18 therefore lacks novelty (PCT Article 33(2)).

3.5 The solution proposed in claims 19 to 22 cannot be considered inventive (PCT Article 33(3)). The problem addressed by the features of claims 19 to 22 can be seen as that of designing a hinge device that does not take up a large amount of space.

The features of claims 19 to 22 are nothing more than ordinary design features which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest (see also D1, page 10, line 19 to page 13, line 21, and figures 12 and 13; and D2, column 3, lines 59 to 63; column 9, line 58 to column 10, line 10, and figures 1, 2, 7 and 21).

3.6 The subject matter of claims 23 to 29 is known from D1 (page 2, lines 9 to 14; page 6, line 17 to page 8, line 15, and figures 1 to 5) and D2 (column 1, lines 3 to 7; column 3, lines 8 to 38; claim 1; figures 1 and 7). The subject matter of 23 to 29 therefore lacks novelty (PCT Article 33(2)).